

JUL 21 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AVON DAVIES,

Plaintiff - Appellant,

v.

KANE,

Respondent - Appellee.

No. 07-17337

D.C. No. CV-05-01812-JW

MEMORANDUM *

Appeal from the United States District Court
for the Northern District of California
James Ware, District Judge, Presiding

Submitted July 14, 2008**

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

A review of the record and appellant's opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

The Clerk shall send appellant a copy of the public docket in number 07-74337.

AFFIRMED.